S.B. Civil Writ Petition No.1192/04

SMB Secondary School

Vs.

Raj. Non-Government Educational Tribunal & Ors.

Date of Order : 16/05/2006

Hon'ble Mr. Justice Ajay Rastogi

None present for petitioner

Instant petition has been filed against the order of Educational Tribunal dt.26th October, 2002 whereby it was directed to make payment of gratuity and so also for grant of selection scale in terms of Government order dt.25th January, 1992 and leave encashment with regard to unutilized privileged leave with the direction for making payment of all retiral dues within three months.

Respondent herein was appointed on 17th January, 1955 as Assistant Teacher and finally retired from service on 5th April, 1993. Since the respondents failed to release retiral dues, application was filed before the Educational Tribunal in terms of Section 21 of the Act, 1989.

Tribunal after taking into consideration material and so also judgment of this court, allowed the appeal with the aforesaid direction referred to supra. All the three terminal benefits with regard to gratuity, selection scale and release of cash towards unutilized privileged leave has been decided by this court holding that employees are entitled for said benefits/dues as granted by the Tribunal vide order impugned Ann.3 dt.26th October, 2002. Despite opportunity afforded, counsel has failed to appear.

I have gone through the order of the Tribunal and I find no illegality in the finding recorded by the Tribunal.

Consequently, the writ petition stands dismissed and the petitioner is directed to make payment in terms of order of Tribunal to legal heirs of deceased employee within a period of three months.

[Ajay Rastogi],J.

FRB